

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RAMON VILLANUEVA-BAZALDUA,)	
individually and on behalf of others)	
similarly situated,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-185 (GMS)
)	
TRUGREEN LIMITED PARTNERS,)	
AND TRUGREEN, INC.)	
)	
Defendants.)	

ORDER

WHEREAS, on March 17, 2006, the plaintiff filed the above-captioned action pursuant to the Fair Labor Standards Act ("FLSA") (D.I. 1).

WHEREAS, on April 28, 2006, the plaintiff filed an Expedited Motion to Conditionally Certify an FLSA Collective Action (D.I. 14).

WHEREAS, on September 13, 2006, the defendants requested to stay the court's decision on the plaintiff's pending motions until after the named plaintiff's deposition, scheduled for October 5, 2006 (D.I. 29).

WHEREAS, on October 18, 2006, the court issued a notice of scheduling conference and queried whether the deposition of the named plaintiff warranted supplemental briefing on the pending motion for conditional class certification (D.I. 33).

WHEREAS, on October 20, 2006, the defendants filed a Motion for Leave to File Supplemental Brief in further Support of Its Opposition to Plaintiff's Expedited Motion to Conditionally Certify a FLSA Collective Action (D.I. 35).

WHEREAS, on October 26, 2006, the parties' submitted a joint status report, which indicated the plaintiff's preference, without objection from the defendants, that the court decide the plaintiff's pending motion for conditional certification prior to setting discovery deadlines (D.I. 39).

WHEREAS, having been apprised of the status of the above-captioned matter, the court finds it appropriate to decide the pending motion for conditional certification before commencing a scheduling conference.

WHEREAS, the court finds it appropriate to consider additional briefing on the pending motion for conditional certification in light of the deposition of the named plaintiff.

IT IS HEREBY ORDERED THAT:

1. The Defendants' Motion for Leave to File Supplemental Brief in further Support of Its Opposition to Plaintiff's Expedited Motion to Conditionally Certify a FLSA Collective Action (D.I. 35) is GRANTED.
2. Pursuant to Local Rule 7.1.2, Plaintiff's request to respond to Defendants' supplemental brief (D.I. 35) is GRANTED.
3. The court will STAY the scheduling conference recently set for November 1, 2006.

Dated: October 31, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE